IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Rajeshwari Ranawat

Vs.

The Maharana Pratap University of Agriculture & Technology & Ors.

S.B.CIVIL WRIT PETITION NO.2547/2007

DATE OF ORDER :: May 30, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Dr.P.S.Bhati, for the petitioner.

Mr.Sangeet Lodha, for respondents No.2 and 3.

Mr.Y.P.Khileree, for respondent No.1.

BY THE COURT:

By the instant writ petition, under Article 226 of the Constitution of India, the petitioner seeks following reliefs:

> "A/ By an appropriate writ order or direction, the respondents may kindly be directed to quash the order dated 13.3.2007 (Anx 7) and make as a

candidate who has successfully committed the selection procedure for the post of Agriculture Officer and given appointment to petitioner accordingly.

B/ By an appropriate writ, order or direction, the respondents may kindly be directed to give appointment to the petitioner on the post of Agriculture Officer in Junior Management Grade Scale-I under the category of physically handicapped person and women's reserved post.

C/ Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.

D/ Writ petition filed by the petitioner may kindly be allowed with costs."

Heard learned counsel for the parties.

It is submitted by the learned counsel for the petitioner that the petitioner is a physically handicapped person and applied for the post of Agriculture Officer in pursuance of

Annexure-3. The petitioner appeared in the screening test and cleared the same. Thereafter, a list for written examination was published vide Annexure-6, wherein the name of the petitioner finds place at serial No.40 in the category of 'physically handicapped'. The petitioner appeared in the written examination on 3.1.2007 and cleared the same and thereafter she was called for interview. She faced the interview, however, she has been denied the appointment on the post of Agriculture Officer on the ground that she is a physically handicapped person. It is also submitted that the respondents themselves kept one post reserved for orthopedically challenged person category to which the petitioner belongs. It is further submitted that no marks have been prescribed for the interview and, therefore, the respondents fell in error in denying the appointment to the petitioner on the post of Agriculture Officer on the ground that the petitioner could not secure minimum marks prescribed for interview.

A reply to the writ petition has been filed by the respondents No.2 and 3. It has been stated that the challenge made by the petitioner that her candidature has been rejected only for the reason that she is a physically handicapped person is misconceived. The case of the petitioner has not been rejected only on the ground that she belongs to a physically handicapped

category but her candidature has been rejected only on the ground that she could not secure the minimum qualifying marks in the interview and, therefore, being below in merit, she has been denied appointment. It is also stated that the reservation provided for the persons with disabilities is on horizontal basis, the selected persons are placed in appropriate category i.e. SC,ST,OBC, General etc. and so far as the physically handicapped persons are concerned, there is a further classification i.e. visually impaired, hearing impairment and orthopadically challenged persons. It has been stated that the petitioner was called for screening test and thereafter for written examination and the written examination is a qualifying examination entitling a candidate to appear in interview for selection on the post in question. The petitioner qualified the written examination entitling her to be called for interview and accordingly she was called for interview.

Mr.Sangeet Lodha, learned counsel for the respondents No.2 and 3 submits that the selection and appointment for the post of Agriculture Officer has been made strictly in accordance with the Recruitment Policy of the respondent Bank, which provides the Written Test (Descriptive Type) as under:

"WRITTEN TEST (DESCRIPTIVE

TYPE-(QUALIFYING ONLY)
It will consist of 4 questions out of which the candidates are required to attempt 3 questions only. The test will be of 60 marks (i.e. 20 marks for each question). The minimum passing marks would be 40% for General Category candidates and 35% for SC,ST,OBC and PH candidates Time duration for the test will be 45 minutes. However, the test will be only qualifying and the marks obtained therein shall not be reckoned for preparing the merit list. The candidates shall have the option to answer the descriptive test either in English or Hindi. Further, the descriptive paper will be evaluated to the extent of around 5 times the number of vacancies based on the merit ranking of the objective test."

So far interview is concerned, it has been provided as under:

"INTERVIEW - 35 MARKS
Those candidates who have secured the minimum qualifying marks stipulated for Written Test (i.e. Descriptive as well as Objective) shall be called for interview in the ratio of 1:3 (1:5) in the case of reserved categories). In other words, for every single post, three/five such candidates would be called for interview depending upon their ranking as per the marks obtained by them in the objective tests.
The interview shall be conducted to assess the personality traits having bearing on interpersonal relations, adaptability, courtesy, etc. and communication skills, with a total of 35 marks. Minimum qualifying marks: 40% (35% in case of SC/ST candidates)."

Thus, the total marks have been prescribed under the Recruitment Policy and for the different classes, the minimum qualifying percentage has also been prescribed.

Learned counsel for the respondents submits that in the instant case, the petitioner failed to secure the minimum qualifying marks in interview and, therefore, she was not entitled for appointment on the post in question. However, the vacancies are being carried forward as is evident from Annexure-9, which clearly goes to show that as many as six vacancies have been kept reserved for the physically handicapped persons i.e. four posts for visually impaired; one post for hearing impairment and one post for orthopedically challenged and, therefore, it cannot be said that the provisions for recruitment have not been followed.

Learned counsel for the petitioner submits that no percentage has been provided for physically handicapped persons and, therefore, so far as physically handicapped persons are concerned, there being no provision for marks in interview and, therefore, the respondents fell in error in denying the appointment to the petitioner on the ground that the petitioner failed to secure the minimum marks.

On careful perusal of the Recruitment Policy, in my view, the total marks i.e. 35 have been prescribed under the Recruitment Policy and for the minimum qualifying percentage i.e. 40% for general category and 35% for the SC/ST, OBC and physically handicapped person has also been prescribed. It cannot be said that no mark is required to be secured in interview. In this view of the matter, the contention of the learned counsel for the petitioner cannot be accepted. In the circumstances, therefore, in my view, the respondents were justified in denying the appointment to the petitioner as the petitioner failed to secure minimum marks prescribed for interview under the Recruitment Policy.

Consequently, I do not find any merit in the writ petition and the same is, therefore, dismissed. There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-